

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DANIEL C. POLHILL,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 12-624</b>
	:	
<b>FEDEX GROUND PACKAGE SYSTEM, INC.,</b>	:	
<b>FEDEX GROUND,</b>	:	
<b>WASP, INC.,</b>	:	
<b>TUG TECHNOLOGIES CORPORATION,</b>	:	
<b>MOTREC INTERNATIONAL INC.,</b>	:	
<b>TOPPER INDUSTRIAL INC.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 6th day of June, 2014, upon consideration of Defendant FedEx Ground Package System, Inc.'s Motion for Summary Judgment (Document No. 81, filed July 25, 2013), and Plaintiff Daniel C. Polhill['s] Response to Defendant FedEx Ground Package System['s] Motion for Summary Judgment [sic] and Memorandum of Law (Document 90, filed September 6, 2013), **IT IS ORDERED**, for the reasons stated in the accompanying Memorandum dated June 6, 2014, as follows:

1. That part of Defendant FedEx Ground Package System, Inc.'s Motion for Summary Judgment that seeks summary judgment on *pro se* plaintiff's First, Second, and Third Causes of Action in the Third Amended Complaint is **GRANTED**;

2. That part of Defendant FedEx Ground Package System, Inc.'s Motion for Summary Judgment that seeks summary judgment on *pro se* plaintiff's Fourth Cause of Action in the Third Amended Complaint is **DENIED**.

**IT IS FURTHER ORDERED** that *pro se* plaintiff's Fourth Cause of Action in the Third Amended Complaint is **DISMISSED WITHOUT PREJUDICE**. *Pro se* plaintiff is

**GRANTED** leave to file, within thirty (30) days, if warranted by the facts and law set forth in this Order and the accompanying Memorandum dated June 6, 2014, a fourth amended complaint naming only FedEx Ground Package System, Inc. as a defendant and asserting only a claim of “Misrepresentation and Responsibilities of Submission of the Parties,” which is the subject of the Fourth Cause of Action in the Third Amended Complaint. The fourth amended complaint shall comply in all respects with this Order and the accompanying Memorandum dated June 6, 2014, and must, *inter alia*, state with particularity the circumstances underlying the alleged misconduct, including, as specifically as possible, the date, time, and contents of any alleged misrepresentations and the parties who made the statements at issue. If *pro se* plaintiff claims that FedEx had a duty to disclose the identity of the manufacturers of the equipment involved in his accident, he must state with particularity the legal basis for any such duty and the date upon which that duty arose.

**IT IS FURTHER ORDERED** that the action is **DISMISSED** as to the defendant identified as FedEx Ground on the ground that it is not a legal entity.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

**DuBOIS, JAN E., J.**